

Message Text

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SUBJECT: HUMAN RIGHTS COMMISSION MEETING, GENEVA,
FEBRUARY 7 - MARCH 11, 1977

REF: (A) LONDON 262, (B) THE HAGUE 001

1. THE 33RD SESSION OF THE HUMAN RIGHTS COMMISSION (HRC)
MEETS IN GENEVA FEBRUARY 7 - MARCH 11, 1977. AMONG EC-9
ONLY UK, FRG, AND ITALY ARE CURRENTLY MEMBERS OF HRC, B'T
OTHER MEMBERS OF THE NINE HAVE BEEN DEEPLY INTERESTED IN
HUMAN RIGHTS ISSUES ARISING IN HRC AND OTHER UN BODIES

AND MAY BE REPRESENTED BY OBSERVER DELEGATIONS. FOR THIS REASON, AS WELL AS OUR DESIRE TO MAINTAIN SUBSTANTIAL COOPERATION BETWEEN US AND EC-9 ON A BROAD RANGE OF PROBLEMS, DEPARTMENT BELIEVES IT WOULD BE USEFUL TO TAKE ADVANTAGE OF FORTHCOMING MEETING OF EC POLITICAL DIRECTORS (JANUARY 25,26) TO ALERT EC-9 COUNTRIES TO PARTICULAR INTERESTS OF OURS AND TO SET THE STAGE FOR CONTINUING CONSULTATIONS AS NECESSARY DURING HRC SESSION.

2. FOR LONDON. FIRST MEETING OF POLITICAL DIRECTORS UNDER U.K.PRESIDENCY PROVIDES GOOD OPPORTUNITY TO UNDERSCORE FOR EC-9 (1) OUR INTEREST IN SEEING THAT UN HUMAN RIGHTS

MACHINERY BE MADE AS EFFECTIVE AS POSSIBLE; (2) OUR DEEP DISSATISFACTION, AS EVIDENCED BY OUR STATEMENTS IN THE GA AND AT LAST YEAR'S HRC SESSION, WITH THE WAY HUMAN RIGHTS MACHINERY IS MISUSED, OR NOT USED, SAVE IN CASE OF A FEW FAVORITE TARGETS; AND (3) OUR DESIRE TO WORK WITH THE EC-9 AND OTHER LIKE-MINDED COUNTRIES TO PRESS FOR AN EVENHANDED APPROACH TO HUMAN RIGHTS ISSUES. GIVEN THE PROCLIVITIES OF THE PRESENT MAJORITY ON THE HRC WE HAVE LITTLE EXPECTATION THAT MEANINGFUL REFORMS ARE A REALISTIC POSSIBILITY, BUT WE BELIEVE THAT THE US, AND THOSE WHO SHARE THE SAME IDEALS OF HUMAN DIGNITY, WOULD BE DERELICT IN OUR RESPONSIBILITIES IF WE CEASED TO PUSH
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FOR THE FULL RANGE OF HUMAN RIGHTS ENVISAGED BY THE UN CHARTER AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

3. NOTED BELOW ARE ISSUES CURRENTLY ON OR RELATED TO THE HRC AGENDA (IN THE ORDER THEY APPEAR ON THE AGENDA) THAT ARE OF SPECIAL IMPORTANCE TO US. IN ADDITION TO THE POINTS CONTAINED IN PARAS 1 AND 2 ABOVE, EMBASSY SHOULD REVIEW THESE ISSUES WITH FCO AND REQUEST THAT OUR VIEWS BE PASSED ON TO OTHER EC-9 COUNTRIES AT THE POLITICAL DIRECTORS' MEETING, ESPECIALLY TO UK, FRG, AND ITALY WHICH ARE REPRESENTED ON THE HRC.

(A) HUMAN RIGHTS IN CHILE (AGENDA ITEM 5) - OUR INTEREST HERE IS TO WORK FOR A RESOLUTION THAT IS NON-POLEMICAL IN TONE, AVOIDS UNBALANCED CONDEMNATION, TAKES DUE ACCOUNT OF IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION IN CHILE, AND IS BEST DESIGNED TO BRING ABOUT FURTHER IMPROVEMENT. WE ARE PREPARED TO SUPPORT EXTENSION OF THE MANDATE OF THE AD HOC WORKING GROUP, AS PRESENTLY CONSTITUTED, FOR ANOTHER YEAR AND TO LOOK FAVORABLY ON EFFORTS TOWARDS POSSIBLE HUMANITARIAN, LEGAL AND FINANCIAL AID TO THOSE ARBITRARILY ARRESTED OR IMPRISONED. BOTH OF THESE LATTER IDEAS STEM FROM CHILE RESOLUTION 31/124 ADOPTED BY 31ST GA (ON WHICH WE ABSTAINED PRIMARILY BECAUSE IT FAILED TO GIVE ADEQUATE RECOGNITION OF IM-

PROVEMENT IN HUMAN RIGHTS SITUATION REPRESENTED BY RELEASE OF POLITICAL PRISONERS).

(B) ADVERSE CONSEQUENCES OF POLITICAL, MILITARY, ECONOMIC AND OTHER ASSISTANCE TO RACIST REGIMES IN SOUTHERN AFRICA (AGENDA ITEM 6B) - THIS WAS A PARTICULARLY CONTENTIOUS ITEM AT THE 31ST GA LEADING TO AN OBJECTIONABLE RESOLUTION CONDEMNING TRADE RELATIONS WITH SOUTHERN AFRICA AND ASKING THE HRC TO EXAMINE THE USE OF THE SECURITY COUNCIL VETO IN CONNECTION WITH SOUTHERN AFRICAN

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ISSUES. WE, ALL THE EC-9, AND JAPAN VOTED AGAINST IT. EVEN THE SOVIETS ABSTAINED BECAUSE OF THEIR OBJECTION TO THE HRC EXAMINING THE USE OF THE VETO BY PERMANENT MEMBERS OF THE SECURITY COUNCIL. IT IS TOO EARLY TO JUDGE HOW SOVIET DISCOMFORT OVER RAISING OF VETO ISSUE WILL AFFECT SUPPORTERS OF THIS RESOLUTION, BUT WE PLAN TO BE IN CLOSE CONSULTATION AT GENEVA AS THIS ISSUE DEVELOPS.

(C) QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT (AGENDA ITEM 11)- CONSIDERED UNDER THIS HEADING WILL BE THE IMPLEMENTATION OF THE DECLARATION AGAINST TORTURE ADOPTED BY THE 30TH GA AND THE DRAFTING OF PRINCIPLES ON FREEDOM FROM ARBITRARY ARREST AND DETENTION WHICH HAS BEEN ASSIGNED TO THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES. THE WORK OF THE HRC AT THIS SESSION WILL BE CONFINED TO REVIEWING WORK IN PROGRESS AND PERHAPS MAKING RECOMMENDATIONS LOOKING TOWARDS ITS SPEEDY CONCLUSION. WE CONSIDER IT IMPORTANT TO KEEP THE ATTENTION OF UN BODIES, AND ESPECIALLY THE HRC, SHARPLY FOCUSED ON THIS PROBLEM.

(D) QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (AGENDA ITEM 12) - UNDER THIS ITEM THE US PLANS TO RENEW DISCUSSION OF ITS PROPOSAL FOR AMNESTY FOR POLITICAL PRISONERS, DEFERRED FROM LAST YEAR'S SESSION. THE US RESOLUTION ON THIS SUBJECT WAS CO-SPONSORED BY THE UK, FRG, ITALY, AND AUSTRIA. DISCUSSION OF THIS ITEM WILL TIE IN WITH SWEDISH EFFORT AT 31ST GA, WHICH WE SUPPORTED, TO GET RESOLUTION ON PROTECTION OF HUMAN RIGHTS OF POLITICAL PRISONERS ADOPTED. SWEDISH EFFORT WAS SIDE-TRACKED BY BYELORUSSIAN COUNTER-PROPOSAL. UPSHOT OF DEBATE AT THE GA WAS TO DEFER CONSIDERATION OF BOTH PROPOSALS UNTIL 32ND GA. (WE ASSUME THAT THE SWEDES WILL NOT PUSH THEIR PROPOSAL DIRECTLY IN THE HRC, THOUGH THEY WILL PROBABLY SEEK COMMITMENTS DURING THE SESSION

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FOR SUPPORT AT THE NEXT GA.)

-- ALSO UNDER THIS ITEM(12B) IS CONSIDERATION OF THE QUESTION OF THE HRC TREATMENT OF PRIVATE COMMUNICATIONS ALLEGING VIOLATIONS OF HUMAN RIGHTS WHICH ARE REFERRED TO THE HRC BY THE SUBCOMMISSION UNDER ECOSOC RESOLUTION 1503 (THE SO-CALLED 1503 PROCEDURES). WE INTEND TO RESTATE OUR POLICY THAT WHEN THE SUBCOMMISSION REFERS A SITUATION TO THE HRC AS REVEALING A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS REQUIRING CONSIDERATION BY THE HRC UNDER ECOSOC RESOLUTION 1503 AND WHEN THE SITUATION IS REASONABLY SUPPORTED BY THE

RECORD BEFORE THE SUBCOMMISSION AND IS OF CONTINUING AND CURRENT CONCERN, THE UNITED STATES WILL SUPPORT A THOROUGH STUDY. SUPPORT OF SUCH A STUDY DOES NOT IMPLY A PRE-JUDGMENT ON THE MERITS OF THE CASE BY THE US.

-- WE CONSIDER IT OF MAJOR IMPORTANCE TO PRESS FOR EVEN-HANDED APPLICATION OF THE 1503 PROCEDURES AND LOOK TO THE EC-9 MEMBERS OF THE HRC FOR SUPPORT ON THIS ISSUE.

-- A PROPOSAL CURRENTLY IS BEFORE THE HRC WHICH, IF ADOPTED, WOULD RESULT IN A RECOMMENDATION TO THE ECOSOC THAT I
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